

Roger J. & Karen Evans
9481 S. Johnson Ct.
Littleton, CO 80127
Phone: (303) 948-1496
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October 14, 2013

Honorable Martin Glenn
One Bowling Green, Courtroom 501
New York, NY 10004

Morrison & Foerster LLP
Attn: Gary S. Lee, Esq., Norman S. Rosenbaum, Esq., Jordan A Wishnew, Esq.
1290 Avenue of the Americas
New York, NY 10104

Kramer Levin Naftalis & Frankel LLP
Attn: Kenneth H. Eckstein, Esq., Douglas H. Manual, Esq.
1117 Avenue of the Americas
New York, NY 10036

Office of the United States Trustee for the Southern District of New York
US Federal Office Building
Attn: Tracy Hope Davis, Esq., Linda A Riffkin, Esq., Brian S. Masumoto, Esq.
201 Varick Street, Suite 1006
New York, NY 10014

SilvermanAcampora LLP
Attn: Ronald J. Friedman, Esq.
100 Jericho Quadrangle, Suite 300
Jericho, NY 11753

Bankruptcy Court:	United States Bankruptcy Court Southern District of New York
Debtors:	Residential Capital, LLC, et al., Debtors
Case Number:	12-12020 (MG)
Title of Objection:	Reason for Disallowance: Liability Not Reflected in Debtors' Books and Records
Name of Claimants:	Roger J. Evans and Karen Evans

**Description of the
Basis for the Amount
of the Claim:**

We filed this claim against the Debtors because the company in collaboration with Fannie Mae interfered with the selling of our home at 608 Pioneer Dr., Santa Maria, CA 93454 before foreclosing on the property. The Debtors essentially stole our home without due process of the required foreclosure process. After we had tried twice to work with GMAC (Debtor) to reduce the payments on our home, we finally contracted with a realtor and put the home up for a short sale on February 22, 2011. We immediately had difficulty selling the house and property. Then, in March 2011, our realtor, Pat Haley of Keller Williams Coastal Valley Realty, found out that Fannie Mae through the Debtors were controlling the sale of our house, and put restrictions on how offers could be proposed; the realtor was in charge of the Multiple Listing Service (MLS) listing in name only. Fannie Mae and the Debtors made it almost impossible to get offers on the house even though the home was in great shape and in an excellent location. Pat Haley was intimidated by Fannie Mae and the Debtors; consequently, we were helpless to do anything to stop Fannie Mae and the Debtors. The house was foreclosed upon on November 7, 2011; the foreclosure occurred without ever getting a single offer, and after the house had been on the market for 8 1/2 months. We had reduced the price of the home four times to a low \$279,000, even when other lesser homes were selling for much more.

In a typical short sale, the owner contracts with the real estate agency. The real estate agent notifies the lender of the plan to do a short sale; the lender agrees that if the lender approves of an offer, then the sale is complete. When an offer is received by the realtor, the lender is apprised of the offer, and then the lender either approves or disapproves of the offer on the property. At no time in a short sale process does the lender (Debtor(s)) control the showing of the property.

In January 2012, we received a 1099-A from the Federal National Mtg Association for "Acquisition or Abandonment of the Secured Property." The Fair Market Value (FMV) of the house was listed as \$434,567.53 (see original documentation filing Atch 11) with a Balance of Principal Outstanding of \$397,653.47. Therefore, the difference between the FMV of the home and the loan balance is \$36,914.06. We still do not understand why GMAC and Fannie Mae interfered with the sale of our home. In some manner, we believe there was malicious and willful intent by these two lending institutions to get us out of our home. We believe we are entitled to a minimum of \$36,914.06 (which is the difference of the FMV and the Loan Balance) plus a waiver of any GMAC fees accrued. We want the foreclosure to be removed from our credit report. If it is determined the Debtors and Fannie Mae unlawfully interfered with the sale of our property, and/or had malicious, deliberate, reckless and/or fraudulent intent to remove us from our property, then we want the property to be returned to us by the Debtors free and clear or pay us \$397,653.47.

**Reasons Why Claim
Should Not be Disallowed
and/or Expunged:**

Our claim on the Debtors should not be disallowed and/or expunged because it is not relevant if the Debtors have reflected this debt in their books and records. This claim is against the Debtor's unlawful take-over of our home prior to completion of the formal foreclosure process. The Debtors, with Fannie Mae, took control of our home (effectively stealing our home). More than 7 months before the foreclosure was complete, the Debtors and Fannie Mae dictated conditions on the sale of our home, which made it difficult, and near impossible, for us to sell our home. Therefore, the Debtors probably expected to realize a profit from taking the home from us, and selling it after the foreclosure process was complete. This is our only opportunity to obtain justice from the intentional piracy of our home by the Debtors.

Documentation:

Refer to the original proof of claim documentation (filed 11/4/2012). Particularly note the real estate agent email in Atch 10, which describes the manner in which Fannie Mae with the Debtors took control of our home, and made sure we would not be able to sell the home under a short sale.

NEW DOCUMENTATION

Atch 1 of this objection shows the Agent Details on the sale of our property at 608 Pioneer Dr., Santa Maria, CA 93454. The information includes the manner in which Fannie Mae and the Debtors dictated the showing of our property beginning March 1, 2011; this process continued through to the foreclosure on November 7, 2011, and interfered with our rights as the legal owners of the property. Fannie Mae and the Debtors required that the property go through KAZORK.COM, with a 15-day offer response time. In addition, since we had tenants in the home, the real estate agent had to call the tenant, and leave a message. (And, maybe the tenant would call back.) Our realtor, Pat Haley, reported to us that she had never seen anything like this previously with a short sale, and that it was not a surprise we did not receive any offers on the property – even after lowering the price four times. Realtors simply avoided the complicated Fannie Mae and Debtors' process, and did not show the property.

Claimant Address:

Same

**Ultimate Authority
To Reconcile, Settle
and Resolve Claim:**

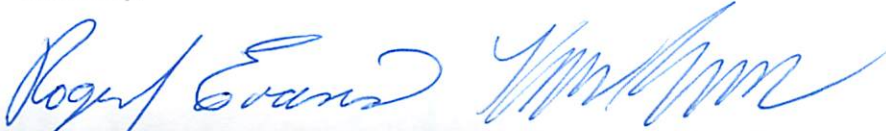
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Ph: 303-948-1496

We had plans to retire in this home. While the economy and our unfortunate employment situation at the time created a condition where we were forced to sell the property, the Debtors effectively stole the property from us. In addition, our credit was severely affected by the foreclosure, which we may have been able to avoid if the Debtors had not created roadblocks to the sale of our home. Due to the effect on our credit rating, we now face high interest rates to purchase a new vehicle or obtain loans. We have been denied credit because of our lower credit score. Finally, we cannot purchase new property.

We pray on the court to ensure that our legal rights are protected in this claim.

Sincerely,




Roger J. Evans and Karen Evans

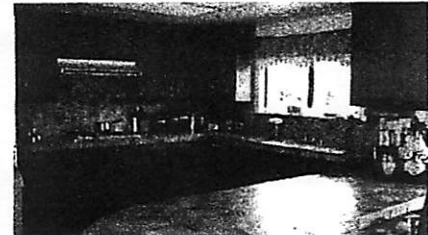
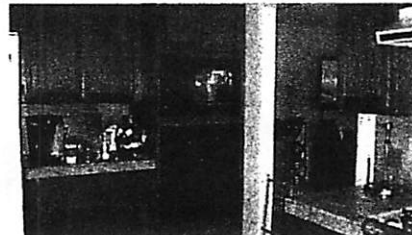
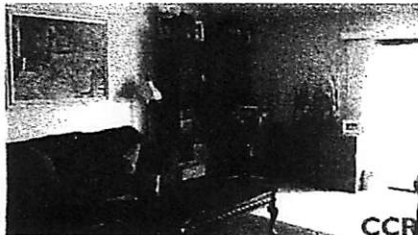
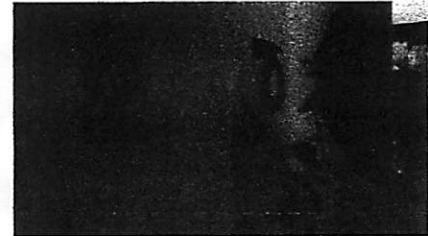
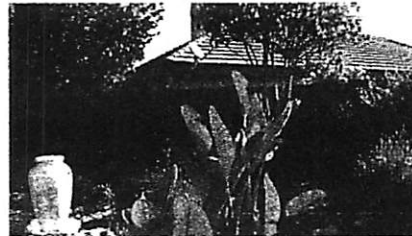
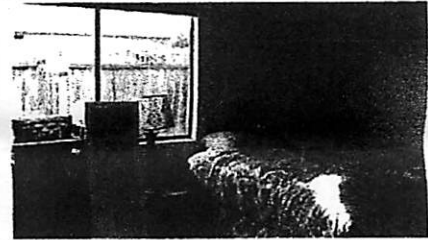
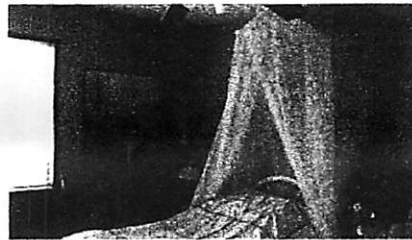
Attachment:

1. Agent Detail on Property at 608 Pioneer Dr., Santa Maria, CA 93454

Agent Detail with Addl Pics Report

Listings as of 10/02/13 at 11:03am

Expired 12/30/11	Listing # 174116	608 Pioneer Dr Santa Maria-Orcutt, CA 93454-3444	Listing Price: \$279,000
	County: Santa Barbara	Cross St: Coral	Map: 777, B7
	Prop Type	Residential	Prop Subtype(s)
	Area	SM Northeast	Sub-area
	Beds	4	Approx SqFt
	Baths(FTHQ)	3 (2 0 1 0)	Price/Sq Ft
	Garage Spaces	2	
	Year Built	1980	Lot Sq Ft (approx)
	APN	128-048-076	Lot Acres (approx)
	Occupant	Tenant Tenant	Phone to Show
	Owner Name	of record 805-000-0000	
	CCRD/CDOM	254/255	



Directions 101 to Main St, turn East past the hosp, to last light on Suey RD, gp North to Alvin, turn right, and then right again on Pioneer, home is on your left.

Public Remark Really nice single level 4 bedroom home in highly desirable area of Pioneer Village, oversized lot is well landscaped with lovely patios, Bright living room has sliders to the patio, master suite has big closets and slider to its own sunny patio, open Family room/kitchen has wood flrs and brick fireplace, cosy place to live!

Agent-Only Rmrks Finally, a short sale program that works!! New Fannie Mae Short Sale Assist program, exclusively with kazork.com, Expedite the process with our 15 day offer response time. Priced to sell quickly. Submit all offers to www.kazork.com. Call tenant phone # and leave message, they will call back to confirm.

Listing Agent Pat Haley (ID:00762350) Primary:805-310-5800 Secondary:805-570-5835 Other:805-287-9559, FAX: 805-310-5801
Listing Office Keller Williams Realty Coastal Valley (ID:SM175) Phone: 805-310-5800, FAX: 805-310-5801
Listing Type Excl. Right to Sell **Listing Date** 03/01/11 **Expiration Date** 12/30/11

Commission 2.5% **Variable Rate CNo** **Comments** Short Sale nego fee paid by L/A

Subdiv/HOA/Prk Name Pioneer Village	cyberhomes.com Yes
Age Restricted No	Lock Box No
Showing Instructions Appointment Only, 24 Hour Notice, No Lock Box Under Construction	No
Reports Available None	Short Sale Yes
Terms Cash, Cash New Loan	Possession Close/Escrow
General Information	
Zone Description Residential	Assessments No
Story/Type/Level 1 Story	Stairs to Entry No
Lot Desc/Dimensions Level	Foundation Slab
Lot Characteristics Level, Other	Association No
Covered Parking Attached Garage	Other Parking Other
Site Improvements Paved Streets, Curbs/Gutter, Sidewalks, Street Lights, Telephone, Cable Available	Furn/Fixt Exclude Cement bench (ext)small shed, lwn orname
Rooms Family Room	Appliances Included Gas Cooktop, Dishwasher, Garbage Disp, Oven

Arch 1

10/2/2013

Flooring	Carpet, Tile	# of Fireplaces	1
Type of Fireplace	Gas Jet, Wood Burning, Family Room	Laundry	Laundry Rm/Inside, Gas Hookup
Interior Features	Other		
Room Information		Dining Room Desc	Dining Area, In Kitchen
Mstr Bdrm on LR LVL	Yes		
Additional Information		Exterior	Wood Siding
Well	No	Roof Description	Comp Shingle
Exterior Features	Fenced Yard, Yard Sprinklers, Patio	Sewer and Water	Water-Cty/Util, Sewer
View	Other	Air Conditioning	None
Heating	Forced Air		

Presented By: Pat Haley Lic: 00762350 / Keller Williams Realty Coastal Valley Phone: 805-310-5800 Lic: 01426246

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U.S. Patent 6,910,045